

REMARKS

Applicants respectfully request reconsideration of the present application. Upon entry of the above amendment Claims 1-7 and 9-12 are pending and Claim 8 is canceled.

Rejection of Claims 1-12 Under 35 U.S.C. § 112, Second Paragraph

Claims 1-12 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Office Action indicates that the phrase “or a combination thereof” renders the claim vague and indefinite. Furthermore, the Office Action alleges that it is not clear what is meant by the phrase “EN 1081 (April 1998).”

In response, Applicants submit that the phrase “or a combination thereof” refers to a combination of carbon black and metal powder, each of which being in the specified range.

Regarding the phrase “EN 1081 (April 1998),” the Applicants submit that this is a standard test procedure known to those of ordinary skill in the art. A copy of EN 1081 (April 1998) is provided herewith.

In view of the foregoing, Applicants urge that claims 1-7 and 9-12 particularly point out and distinctly claim the subject matter which Applicants regard as the invention and, thus, are not indefinite. Accordingly, Applicants request withdrawal of this basis of rejection.

Rejection of Claims 1, 2 and 5-12 Under 35 U.S.C. § 103(a)

Claims 1, 2 and 5-12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,770,916 to *Leukel et al* in view of U.S. Patent No. 4,371,040 to *Berbeco* and U.S. Patent No. 3,040,210 to *Charlton et al*. Applicants submit that this basis of rejection now is moot in view of the amendment of Claim 1 and the cancellation of Claim 8 herein. As amended, Claim 1 includes a conductive web strip applied

to a side of the backing away from the lower layer and which is in electrical contact with the lower layer. None of the references, either singularly or in combination, teach or suggest a linoleum-based electrically conductive floor covering with the previously recited elements combined with a conductive web strip as set forth in amended Claim 1. Consequently, Claim 1 is not obvious in view of the combination of *Leukel*, *Charlton* and *Berbeco*. Since Claims 2, 5-7 and 9-12 depend from Claim 1, these claims also are not obvious in view of these references. Accordingly, Applicants request withdrawal of this basis of rejection.


Rejection of Claims 3 and 4 Under 35 U.S.C. § 103(a)

Claims 3 and 4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Leukel* over *Berbeco* and *Charlton* and further in view of WO 99/10592. Applicants submit that this basis of rejection is moot in view of the amendment of Claim 1, from which depend both Claims 3 and 4. The recited combination does not teach or suggest such a linoleum-based floor covering having a conductive web strip as set forth in the amended Claim 1. Consequently, Claims 3 and 4 are not obvious in view of this combination. As a result, Applicants respectfully withdraw of this basis of rejection.

CONCLUSION

Applicants submit that upon entry of the above amendment that the present application is in condition for allowance. Prompt notification thereof is requested. However, if Examiner believes any issues remain unresolved in the present application, Applicants respectfully request that Examiner contact the undersigned attorney of record.

Respectfully submitted


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